

1 **TIMOTHY H. BELLAS**

2 Attorney-at-Law

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7 **ATTORNEY FOR:** Petitioner Zhu

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE**  
10 **NORTHERN MARIANA ISLANDS**

11 ZHU, LIAN KUN ,

12 Petitioner,

13 v.

14 UNITED STATES OF AMERICA,

15 Respondent.

) CIVIL CASE NO. 08-0012

) CRIMINAL CASE NO. 03-00018

) **SECOND EX PARTE MOTION**  
) **FOR EXTENSION OF TIME**

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20 COMES NOW, Petitioner, ZHU, LIAN KUN, (Mr. Zhu) presently incarcerated in the  
21 Bureau of Prisons Moshannon Valley facility located in Philipsburg, Pennsylvania, by and  
22 through his Court appointed counsel, Timothy H. Bellas, and respectfully moves *ex parte* for an  
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1 Order of this Court extending the time for him to comply with the Court's March 3<sup>rd</sup>, 2008.

2 This Motion is based on the files of this matter and Criminal Case No. 03-00018.

3 1. This Petition to Vacate, Set Aside or Correct Sentence was filed on February 28<sup>th</sup>,  
4 2008.

5 2. On March 3, 2008 the Court *sua sponte* granted a 30 day extension of time for the  
6 Petitioner to submit additional factual support under oath for his Petition.

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8 3. This Petitioner has previously filed one Declaration under Oath and requested and  
9 gotten one Extension of Time which the Court granted by entry of an Order on April 3<sup>rd</sup>, 2008  
10 extending the time for him to file supplemental information to his original Petition until April 18<sup>th</sup>,  
11 2008. In the same Order the Court indicated that a further extension of time would be looked upon  
12 favorably due to the communication difficulty issues previously explained in the Declaration of  
13 Counsel accompanying the first Extension of Time Motion.

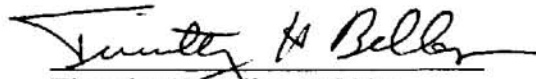
14  
15 4. Counsel has unsuccessfully attempted to provide documents to the Petitioner via  
16 scanned email copies to his Case Manager, Ms. Magnuson. She, however, indicated that such  
17 transmission is in violation of the detention facility rules and the documents had to be resent via  
18 U.S. mail. The documents were sent via Express Mail on April 7<sup>th</sup>, 2008. Ms. Magnuson  
19 acknowledged receipt of the documents sent to the Petitioner on April 15<sup>th</sup>, 2008, (A copy of said  
20 document is attached as Exhibit A.)

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22 5. Furthermore, an extension of time is necessary in order for counsel to notify  
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1 Petitioner of the results of factual investigations conducted by counsel on Petitioner's behalf.

2 Wherefore, counsel would respectfully request that the date to submit additional factual  
3 support mandated by the March 3<sup>rd</sup> Order of this Court be extended from April 18th to May 9<sup>th</sup>,  
4 2008 to allow for the document sent to Petitioner to be executed and returned to counsel for filing  
5 with the Court.

6 Respectfully submitted, this 18<sup>th</sup> day of April, 2008.  
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10 Timothy H. Bellas, F-0135  
11 Attorney for Petitioner Zhu  
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# **EXHIBIT A**

**TIMOTHY H. BELLAS, LLC**

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**ACKNOWLEDGEMENT RECEIPT**

To: **Deann Magnuson**  
 Company: **CI Moshannon Valley**  
 Date: **April 4th, 2008**  
 Subject: **Inmate - ZHU, LIAN KUN**

From: **Timothy H. Bellas****Transmitted herewith:**

☐ CD/Disk (s)  
☒ Document(s)  
☐ Others: \_\_\_\_\_

**For:**

☒ File / Record  
☐ Review / Comment  
☐ Others: \_\_\_\_\_

Description	Qty.
1) 02/29/08 - Petition to Vacate, Set Aside or Correct Sentence	10 pgs.
2) 02/29/08 - Declaration of THBellas in Support of Petition to Vacate, Set Aside or Correct Sentence	2 pgs.
3) 02/29/08 - Memorandum of Law in Support of Petition...	4 pgs.
4) 03/03/08 - Order Allowing Plaintiff Thirty (30) days to Supplement 2255 motion	7 pgs.
5) 03/06/08 - Ex Parte Motion for Appointment of Interpreter	2 pgs.
6) 03/06/08 - Declaration of THBellas in Support of Ex Parte Motion for Appointment...	2 pgs.
7) 03/07/08 - Order Granting Zhu's Motion to Hire Interpreter	1 pg.
8) Declaration of Zhu Lian Kun in Support of Petition to Vacate, Set Aside or Correct Sentence w/attach	3 pgs./ 1 env.
Self-addressed stamped envelope: FOR INMATE'S REVIEW AND SIGNATURE THEN TO BE RETURNED TO OUR OFFICE	
*****NOTHING FOLLOWS*****	

Remarks: Kindly acknowledge this transmittal and return upon receipt via fax at (670)323-2116 or by U.S. postal mail.  
 Thank you.

Transmitted by: Carol ErmitanioDate: April 4th, 2008

Acknowledged by:

Deann Magnuson  
 (print & sign over printed name)

Date:

4/15/08